

by the claims as follows:

- I. Claim 5, drawn to pyrrolidiny compounds (n=1), classified in class 548, subclass various depending on species election. If this group is elected, a further election of a single disclosed species is also required. Claims 1-4, 6-11 reading on the elected compounds can be prosecuted together with the compounds to the extent of the election. Claims 14-25, upon election of a single is closed pathology/disease treatable with the method, can be prosecuted with the elected compounds to the extent of the election.
- II Claims 12-13, and 26-27, drawn to composition and method of treating neurological disorder using the combination composition, classified in class various, subclass various, depending on species election. If this group is elected, a further election of a single combination of ingredients and a single pathology/disease treatable by the combination is also required.
- III Claims 28-34, drawn to method of stimulate peripheral nerve growth, classified in class various, subclass various. If this group is elected, a further election of a single disclosed compound for the method is also required.
- IV Claims 35-36, drawn to method of stimulate peripheral nerve growth by combination of active ingredients, classified in class various, subclass various. If this group is elected, a further of a single disclosed combination of active ingredients for the method is also required.
- V Claims 37-43, drawn to method of neuro-regeneration, classified in class various, subclass various. If this group is elected, a further election of a single disclosed compound for the method is also required.
- VI Claims 44-45, drawn to method of neuro-regeneration, classified in class various, subclass various. If this group is elected, a further election of a single disclosed combination for the method is also required.
- VII Claims 46-55, drawn to method of preventing neurodegeneration, classified in class various, subclass various. If this group is elected, a further election of a single disclosed compound for the method is also required.
- VIII Claims 56-57, drawn to method of preventing neurodegeneration, classified in class various,

subclass various. If this group is elected, a further election of a single disclosed combination for the method is also required.

IX Claims 58-64, drawn to composition and method of treating alopecia, classified in class various, subclass various, depending on species election. If this group is elected, a further election of a single disclosed compound for the method is also required.

X Claims 1-4 , 6-11, 14-25, remaining compounds and methods, further restriction is required.

The inventions are distinct, each from the other because:

The compounds differ in elements, bonding arrangement and chemical properties to such an extent that a reference anticipating compounds of one group would not necessarily imply unpatentability of another in the same claim. The methods are distinct and independent in end condition being treatable as well as the active ingredients or combination of active ingredients being employed. The search for each independent invention is not co-extensive and separate examination must be performed.

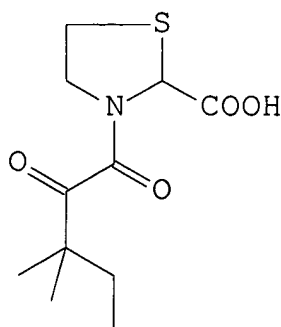
Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

As the basis for requiring this restriction/election, the Examiner has only provided that the species and methods falling under the above claims are patentably distinct from each other.

#### **ELECTION**

Applicants provisionally elect group I -- Claim 5, drawn to pyrrolidinyll compounds (n=1), classified in class 548, subclass various depending on species election, with traverse. In accordance with the Examiner's request for election of a particular species for search purposes, Applicants provisionally

elect, with traverse, the compound of claim 5, wherein said compound has the formula:



(2S)-1-(3,3-dimethyl-1,2-dioxopropyl)-2-(3-thiazolidine)carboxylic acid.

#### TRAVERSAL

Applicants respectfully traverse the Examiner's restriction requirement for the following reasons.

#### Searching All the Claims Is Not a Serious Burden

MPEP § 803 states that:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

There is no serious burden here. Irrespective of whether restriction may be required, the examiner must search at least all classes and subclasses directed to the compounds and those

directed to the methods of making the compounds. The compound classes and subclasses might well contain a patent having a disclosure relevant to the patentability of the method claims. At the Examiner's disposal are powerful electronic search engines providing the Examiner with the ability to quickly and easily search all of the claims. Searching two related classes is not even a small burden and certainly is no "serious burden" as required by the MPEP in order for the restriction requirement to be proper. Having paid an application fee, the applicant is entitled to have the examiner search all relevant subclasses.

Moreover, these classes and subclasses are assigned to the Examiner's art unit. Given their overlapping subject matter and identical classifications, examinations of all the invention groups would not pose a serious burden because they would be coextensive. Further, the fact that various claims may fall under different U.S. Patent and Trademark Office classes does not necessarily make them independent or distinct inventions. The classification system at the U.S. Patent and Trademark Office is based in part upon administrative concerns and is not necessarily indicative of separate inventive subject matter in all cases.

In addition, Applicant has paid a filing fee for an examination of all the claims in this application. If the Examiner refuses to examine the claims for which payment was made when this application was filed, Applicant must pay duplicative fees to file divisional applications for non-elected or withdrawn